

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO. 1076/2022

IN

FIRST APPEAL (FA) NO. 158/2022

UTTAMRAO S/O CHAMPATJI MOHARLE AND ANR.

..VS..

MANIK S/O KESHAO WAKADE AND ANR.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mrs. G.J. Lande, Advocate for applicants/appellants

Shri Shahrukh Ahemad, Advocate for non-applicant/respondent no. 3

CORAM : NITIN W. SAMBRE, J.

DATED : 29/08/2022

This is an application for bringing legal heirs on record of respondent no. 1.

The learned Counsel for the applicants/appellants demonstrates that a notice about death of respondent no. 1 came to her knowledge from the Court proceedings as the notice issued to respondent no. 1 was returned back unserved within endorsement about his death.

According to me, notings are of dated 25.03.2022. As such, the application is within permitted time.

In view of the above, the civil application stands allowed. The applicants/appellants shall incorporate the legal heirs of respondent no. 1 within a period of three weeks from today.

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Once the legal heirs are incorporated by amending title clause of the appeal, notice should be issued to the legal heirs of respondent no. 1, returnable in six weeks thereafter.

Service by private mode i.e. by registered post A/D, speed post etc., is permitted.

(NITIN W. SAMBRE, J.)

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